

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gary A. Falcone
Tina L. Falcone
Debtor(s)

Bankruptcy Case No.: 19-70601-JAD
Issued per 9/24/2020 Proceeding
Chapter: 13
Docket No.: 51 – 6, 16, 27, 48
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 9/16/2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$4,009 as of October 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Wells Fargo Bank [Claim #3]; Internal Revenue Service [Claim #4]; Pennsylvania Dept. of Revenue [Claim #10]; CSMC 2019 JR1 [Claim #9-2] .
- ☒ H. Additional Terms: Attorney fees based on retainer of \$2000.

Ally Bank [Claim #6] governs as a pay in full.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 1, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Gary A. Falcone
Tina L. Falcone
Debtor(s)

Case No. 19-70601-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: skoz

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Date Rcvd: Oct 01, 2020

Form ID: 149

Total Noticed: 20

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Gary A. Falcone, Tina L. Falcone, 225 Evans Ave., Blairsville, PA 15717-1066
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
cr	+ Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
cr	+ United States of America Department of the Treasur, c/oOffice of U.S. Atty for W.D. of PA, U.S. Post Office & Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219 U.S.A. 15219-1956
cr	+ Wells Fargo Bank, National Association, 14841 Dallas Pkwy Suite 425, Dallas, TX 75254-8067
15128300	Kenya Bates, Esquire, 1617 JFK Blvd., Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103
15128302	+ Portfolio Recovery Associates, LLC, c/o Apothaker, 1341 N Delaware Ave. #405, Philadelphia, PA 19125-4347
15225043	+ Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
15156266	+ The Bank of Missouri, PO Box 105555, Atlanta, GA 30348-5555
15128304	+ Wells Fargo Bank, 3476 Stateview Blvd., Fort Mill, SC 29715-7200
15140047	Wells Fargo Bank, National Association, et.al., Wells Fargo Bank, N.A., Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road Eagan MN 55121-7700

TOTAL: 11

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15158937	Email/Text: ally@ebn.phinsolutions.com	Oct 02 2020 04:21:00	Ally Bank, PO Box 130424, Roseville MN 55113-0004
15128298	+ Email/Text: ally@ebn.phinsolutions.com	Oct 02 2020 04:21:00	Ally Financial, PO Box 380901, Bloomington, MN 55438-0901
15166581	Email/Text: jennifer.chacon@spservicing.com	Oct 02 2020 04:23:00	CSMC 2019-JR1 Trust, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
15136010	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 02 2020 03:57:22	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15128299	Email/Text: sbse.cio.bnc@mail@irs.gov	Oct 02 2020 04:21:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
15159393	+ Email/Text: bankruptcydpt@mcmcg.com	Oct 02 2020 04:22:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
15128301	Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 02 2020 04:22:00	Pennsylvania Department of Revenue, Department 280946, Harrisburg, PA 17128-0946
15128303	Email/Text: jennifer.chacon@spservicing.com	Oct 02 2020 04:23:00	Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
15162074	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 02 2020 03:55:55	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 9

District/off: 0315-7

User: skoz

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BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		CSMC 2019-JR1 Trust
cr		Wells Fargo Bank, National Association, et.al.
jdb	*+	Tina L. Falcone, 225 Evans Ave., Blairsville, PA 15717-1066

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 03, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor CSMC 2019-JR1 Trust bnicholas@kmlawgroup.com
Jerome B. Blank	on behalf of Creditor Wells Fargo Bank National Association, et.al. pawb@fedphe.com
Jill Locnikar	on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
Michael N. Vaporis	on behalf of Debtor Gary A. Falcone mvaporis@comcast.net jlcerovich@comcast.net
Michael N. Vaporis	on behalf of Joint Debtor Tina L. Falcone mvaporis@comcast.net jlcerovich@comcast.net
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Thomas Song	on behalf of Creditor Specialized Loan Servicing LLC pawb@fedphe.com
Thomas Song	on behalf of Creditor Wells Fargo Bank National Association, et.al. pawb@fedphe.com

TOTAL: 10